

# Law Enforcement News

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## Join us in cyberspace!

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## Ruling breathes life into hog-tying

### Judge throws out wrongful-death suit against sheriff's department

After a noted pathologist abruptly changed his views on the use of hog-tie restraints by police, a Federal judge threw out a wrongful-death lawsuit filed against the San Diego Sheriff's Department by survivors of a man who died following a 1994 arrest.

County lawyers showed that the restraint did not play a role in the man's death, refuting the conventional wisdom that it could result in potentially fatal obstruction of breathing passages.

The action came last month during the non-jury trial of a lawsuit brought by the family of Daniel L. Price, who claimed authorities should have known that the restraint, in which a subject's hands and feet are bound together behind the back, could result in positional asphyxia.

In June 1994, Price, 35, got into a brawl with two deputies, who bound his feet and hands once they got him to the ground. His limbs then were brought together with a second pair of handcuffs so that he lay face-down on the ground. Paramedics restarted his heart, which had failed as he lay on the pavement, but Price never regained consciousness and died two days later in a hospital.

The plaintiffs' case unraveled in the face of

new research findings by doctors at the University of California-San Diego, who acted at the request of Deputy County Counsel Ricky R. Sanchez and concluded that the hog-tie did not cause Price's death.

The research refuted an oft-cited theory about

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Research concludes that while hog-tying has a minor effect on the breathing process, it does not affect blood oxygen or CO<sub>2</sub> levels.

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the restraint's physiological effects and its possible role in in-custody deaths, which had been developed by the King County, Wash., Medical Examiner, Dr. Donald T. Reay.

Reay conducted a well-known 1988 study of the restraint and its role in subject deaths, which has been cited by lawyers for plaintiffs in

wrongful-death cases nationwide. Reay maintained that blood oxygen levels decrease after someone has been exercising — or has been involved in a violent struggle.

The hog-tie restraint prevents oxygen levels from rising again, Reay contended, because the restraint inhibits the body's ability to inhale and exhale. The result can be death by positional asphyxia.

During pre-trial preparations, Sanchez, who defended the county, asked Dr. Thomas Neuman, a professor of medicine at UCSD, to study the relationship, if any, between the restraint and positional asphyxia. Neuman concluded that blood oxygen levels do not decrease after exercise. While the hog-tie restraint impairs the mechanical process of breathing to a minor extent, it does not affect blood oxygen or carbon dioxide levels.

Sanchez heard Reay give a presentation at a medical examiners' conference. Later, in 1996, the county attorney traveled to Seattle to take Reay's deposition, during which the medical examiner changed his views after being confronted with the results of the UCSD study.

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## What becomes of COPS officers when the grants run out? DoJ wants to know.

The Justice Department has directed more resources to its police-hiring grant program to ensure that agencies receiving Federal grants to add more police officers make good on the requirement that they continue to fund the new positions once the grants run out.

The move, which was announced by the Office of Community Oriented Policing Services late last fall, shifts oversight for monitoring compliance with grant requirements from the COPS Grants Administration Division. The monitoring effort also involves the offices of the Inspector General and the Comptroller at the Justice Department, said Kevin Avery, acting spokesman for the COPS Office, which oversees the police hiring and technical assistance grant programs.

Former Sanger, Calif., police chief Greg Cooper, a 29-year police veteran who has been with COPS since 1996, will head the office's new Monitoring Division.

Concern about the ability of law enforcement agencies to comply with the retention requirement — particularly in cash-strapped jurisdictions — began surfacing last year as the three-year cycle for the initial round of COPS grants drew to a close.

In an article by Law Enforcement News at the time, several police chiefs expressed concerns about the ability of their jurisdictions to meet the requirement. The COPS Office granted waivers to some agencies that in effect excused them from the requirement, while others opted to delay the hiring of new personnel until financial details of retention plans could be ironed out.

COPS officials acknowledged that

some problems had arisen, but added they would work with departments as they attempted to devise retention plans. A strategy does not have to be submitted at the time of the grant application, officials said, but simply within a reasonable period of time.

The hiring-grant program, which was set up by Congress through the 1994 Crime Control Act, has allowed more than 10,000 law enforcement agencies in all 50 states to add almost 70,000 officers. Establishment of the program was a centerpiece of President Clinton's plan to put 100,000 new police officers on America's streets.

"The CDPS office is taking a comprehensive approach to ensure that our grants are administered in the proper fashion," said Avery. "It will be making site visits to grantees, and conduct-

ing interviews with police officials as well as community members. They'll also review all documentation involving the grants."

The CDPS Office also will follow up reports it receives, including news reports from local media in the affected jurisdictions, about any misapplication of grant funds, although Avery emphasized that "the vast majority of grantees use their grants properly."

"If we hear that a town has not hired officers and used the money to buy a cruiser...we investigate," said Avery, who declined to disclose specific cases or comment on ongoing investigations. "Usually, it's a misunderstanding or something along those lines, but we do follow up when we have received word there may be a problem," he told Law Enforcement News.

## From the start, acting DC chief acts to shake things up

Acting Washington, D.C., Police Chief Sonya Proctor may not be the permanent replacement for her disgraced predecessor, Larry Soulsby, who abruptly resigned Nov. 25 amid charges of impropriety, but she's certainly gripping the reins of authority tightly.

In her first few weeks in office, Proctor, a 24-year MPD veteran who is the first woman ever to head the beleaguered agency, has:

¶ Announced the formation of a joint Federal and local task force to investigate police misconduct and to "re-assure the community" that the Metro-

politan Police Department's integrity is intact in the wake of several corruption scandals.

¶ Beefed up the department's internal affairs unit "to address aggressively" any pockets of corruption that may yet exist.

¶ Appointed a new assistant chief in charge of the MPD patrol division, former Housing Authority Police Chief Robert C. White, who retired from the MPD in 1995. White's appointment joins several other major changes at the top made by Proctor, including the removal of at least two assistant chiefs

In addition to questionnaires, site visits and other correspondence with agencies, COPS employees call grantees "three times a year to check on how things are going," Avery added.

Every effort is being made to help jurisdictions "on a case-by-case basis" to meet the requirements so they can benefit fully from the hiring program, said Avery. "We work with them if they are having difficulties with the requirement that they have a plan for retaining the officers. We understand that circumstances change, that for whatever reason they may not be able to comply with that... But we work with them very closely to help them with any kind of difficulties they see themselves facing."

"But the vast majority of our grantees are planning to retain the officers," he added.

appointed by Soulsby last year.

¶ Announced she is considering reversing the decentralization of the homicide squad ordered last July by Soulsby, putting in its place a reorganization plan that would reassign many detectives from district posts back to headquarters.

The police misconduct task force announced by Proctor last month will include members of the MPD's internal affairs division, the U.S. Attorney's Office, the FBI and the D.C. Inspector General. Proctor and acting U.S. Attorney General.

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# Around the Nation

## Northeast



**CONNECTICUT** — A disciplinary hearing was scheduled for Hartford Deputy Chief Robert J. Casati on Dec. 22 because of alleged racial slurs he used when referring to colleagues on duty. The internal investigation was launched after a black officer, Sgt. Daryl K. Roberts, claimed his transfer from the homicide division was an example of Casati's prejudice.

**MARYLAND** — Four \$75,000 Winnebagos will be deployed by Baltimore police in high-crime areas of the city's federally designated empowerment zones. The Winnebagos will be staffed by a police sergeant and a community police officer, and are equipped with a mobile phone, computer, police radio and conference room.

The American Civil Liberties Union in December filed papers in Federal court maintaining that State Police use two sets of books to record the number of times blacks are stopped by troopers on Interstate 95. One of the books, said the group, is used to satisfy monitoring requirements, while the other, for internal use, appears to contain additional reports about black motorists.

**NEW HAMPSHIRE** — Manchester's Operation Streetsweeper, which has won national recognition over the past three years for targeting drug dealers, child pornographers and armed robbers, will be expanded statewide.

**NEW JERSEY** — Atlantic City Det. Joseph D. Russell, 39, was arrested Nov. 23 and charged with stealing cocaine that had been seized as evidence.

New Brunswick police officers Louis Hornberger, Robert Tonkery and James Mennuti are suing ABC-TV for \$3 million, claiming the network hired black people to break the law in a luxury car and then accuse the officers of racism when they were pulled over. A 1996 episode of "Prime Time Live" alleged that the men were stopped solely because of their race. The officers said the men drove around for several nights in a drug-infested area of the predominantly white town of Jamesburg, doing everything they could to be noticed.

Gov. Christine Todd Whitman in December signed a bill that will require the Department of Corrections to begin tracking repeat offenses by inmates at Avenel, the state's prison for sex offenders. The tracking will focus on those released from prison between 1992 and 1993.

Cliffside Park's first and only female patrol officer, Jackie Flanagan, will be allowed to resume her job on March 18 when a six-month unpaid suspension ends. Flanagan, 42, was suspended when it was discovered she had lied on her job application about finishing high school. Flanagan dropped out of school in the 10th grade, but went on to obtain a G.E.D.

State Police are urging the public not to be taken in by phony telephone solicitations asking for donations to purchase bulletproof vests. A spokesman for the agency said it receives at least

one call a day from citizens complaining about such hucksters.

State officials in December reported a 3-percent drop in crime during the first half of last year. The decline is in addition to a 7-percent decrease in 1996.

**NEW YORK** — A decorated New York City police officer was charged Dec. 17 with committing four bank robberies dating back to 1993. Officer Paul Voss, a 10-year veteran, was recognized by a fellow police officer from a security camera photograph.

Three dozen New York City detectives have been called in to fight a crime surge on the city's subways. Transit crime rose 73 percent last August and 58 percent in September. Another 300 officers were recently reassigned to the Transit Bureau.

A jury in state Supreme Court in November found Nassau County police negligent for failing to arrest a man who later attacked his wife with a machete in her driveway. Benita Morales, who was awarded a settlement of \$1.55 million for the February 1992 attack, had an order of protection against her estranged husband, Teodora.

U.S. Attorney General Janet Reno has given prosecutors the green light to seek the death penalty for former New York City housing police officer John Cuff, a reputed enforcer for a Harlem drug dealer, who is charged with eight murders and has allegedly confessed to a ninth. Cuff was an officer from 1981 through 1986, when he left the force.

New York City Police Officer Steven Sonntag, 32, was jailed in January after allegedly holding a gun to his estranged wife's head and for not paying child support. Sonntag was already on suspension after being charged in December with ramming the woman's car during a chase.

A 19-year-old Long Island boy used Nassau County police in November to help him commit suicide. Moshe Pergament pulled a toy gun from the waistband of his pants after being stopped for speeding. He refused to lower the gun, which police thought was real, and was shot. A suicide note explained Pergament's plan for dying, reportedly because he was despondent over \$6,000 in gambling debts.

New York City Police Officer Hiram Monserrate, a leader of the Latino Officers Association, sued the department on Dec. 23, claiming he was called a traitor and a coward for speaking out publicly about racism and police misconduct. Monserrate said he had been punished by being transferred to undesirable assignments several times.

New York City Police Sgt. Jill Turchi, 32, filed a lawsuit in December claiming that police officials had allowed other officers to spy on her through a peephole in the women's locker room, and harass her with sexual remarks. Turchi said she complained to superiors several times about male officers being able to see her get undressed, but was ridiculed. In another case of peeping, the Patrolmen's Benevolent Association has filed suit over a hidden video camera discovered by a maintenance worker at the 111th Precinct in Queens.

An affidavit released in December in connection with the death of a DEA agent in Miami by a fellow agent — one with a long history of alcoholism and accusations of spousal abuse —

revealed prior threats against the victim. Agent Shaun Curl, 39, was shot six times on Dec. 12, allegedly by agent Richard Fekete, 55. Curl had driven Fekete home from a party because the older agent was too drunk to drive. Fekete's lawyer claims that Fekete was in a drunken stupor and remembers nothing, but an affidavit revealed that, according to Curl's wife, Fekete had phoned on at least two occasions, threatening to kill her husband.

New York City Mayor Rudolph Giuliani said he will authorize a small pilot program to gauge the feasibility of allowing city police officers to moonlight in uniform. Former Police Commissioner William Bratton has said that the plan will not work because officers become too concerned with their private jobs and policing becomes secondary. But Giuliani said that Police Commissioner Howard Safir had studied the practice as it is carried out in 34 other cities and believes it could deter crime.

The New York City Council voted overwhelmingly on Nov. 25 to override Mayor Rudolph Giuliani's veto of a bill to create an independent police monitoring board. A similar bill was struck down in 1995 because it infringed on the Mayor's appointment powers.

**PENNSYLVANIA** — A state appeals court ruled in December that aiming a heat-seeking device at someone's house to determine if they are growing marijuana is an unconstitutional intrusion.

## Southeast



**ARKANSAS** — Camden police officers overwhelmingly voted "no confidence" when polled as to whether Chief Elisha Cochran Jr. should be returned to his post by an override vote of the City Council. Mayor Chris Claybaker fired Cochran on Dec. 2 when the chief refused to retire.

White supremacists Chevie and Cheyne Kehoe and Daniel Lee Lewis were charged in Little Rock Dec. 12 with planning to revolt against the government by killing police and public officials. The Kehoes were fugitives until June, when Cheyne surrendered.

**FLORIDA** — Seminole County is launching a youth program that will pair police and probation officers in fighting juvenile crime. Similar to the highly successful Boston Gun Project, Seminole's program will concentrate on a group of 240 teenagers that make up the bulk of the county's trouble, said Sheriff Don Estlinger.

On New Year's Eve, an 18-year-old shot and killed a Metro-Dade patrol officer whose home he shared. The alleged shooter, Charles Cowles, told neighbors after the incident that Officer James Faurot had tried to molest him. Faurot had befriended Cowles, who told people that the 52-year-old officer was his uncle. According to a neighbor, Faurot's home was a popular spot for underage drinking. His 1 1/2-year career with the department was marked by peaks and valleys of commendations and disciplinary actions.

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A computer database is now being used by detectives statewide to track gang members by name, nickname, gang and school.

State records show that more than 4,300 children supposed to be checked by child abuse investigators within 24 hours of a complaint had not been interviewed for at least two weeks. Social service officials said the records are wrong. The children had been interviewed, but caseworkers had not had time to update files.

**GEORGIA** — Officers are being hired for a new Auburn police force, created after residents demanded a city charter amendment that requires the city to have a police force. The department had been disbanded in February.

**LOUISIANA** — Daron Council, 32, a five-year veteran of the FBI and a former world-class track athlete, was arrested in a sting operation Nov. 21 and charged with taking a bribe from an informant in a drug investigation. According to a court affidavit, the informant produced a tape-recorded conversation in which Council said he would do whatever the informant needed for \$5,000. Council also allegedly discussed using his position at the New Orleans office to steal money from the informant's drug-trafficking associates, then split the money with him.

**NORTH CAROLINA** — Davidson Police Officer Mark Swaney, 26, was shot dead Christmas night and Sgt. Charlie McClain was seriously wounded after a gunfight broke out near Davidson College. The officers were responding to a call about gunshots on a street near the school. Witnesses said a teen-ager, who was also killed, was carrying a gun. A struggle ensued and the teen was also shot. All three fell into a ditch, said witnesses.

Hoke County Deputy Frank Edward Hicks was indicted for voluntary manslaughter Dec. 16 in the fatal shooting of David Michael Sivak after a chase. Hicks had stopped to check out Sivak's van, which was parked outside a convenience store, but as he approached, Sivak sped away. Later, when he again found the van, Hicks called in search dogs to find Sivak. He emerged from the woods, climbed back into his van and took off, ignoring Hicks's order to halt. According to witnesses, Sivak drove toward Hicks, who fired 11 times at the moving vehicle. An autopsy shows Sivak had cocaine in his system and faced two DWI charges.

**TENNESSEE** — The \$6-million lawsuit filed by a former Olive Branch police officer, who was fired last year amid a sexual-misconduct investigation, has been settled. The city for an undisclosed amount. Ex-officer Jason Savage had sued the city, then Mayor Milton Nichols, former police

chief Frank Brown and four of five aldermen, claiming he was wrongfully fired. Four other officers were also fired. They and Savage have all been cleared of wrongdoing.

**VIRGINIA** — Hampton Police Officer Joel B. Harrison was indicted Dec. 16 on a charge of felonious assault for shooting a fleeing man in the back. Carlitos Brooks, 20, of Newport News, was shot Oct. 21 after leading police on a chase. Police said they thought Brooks was a suspect in a carjacking; he wasn't.

Henrico County has received 40 combat-style laptop computers for installation in patrol cars. The computers will allow officers to make license and vehicle checks from the field.



**ILLINOIS** — A Chicago police officer who was just one year away from retirement after a 39-year career was killed in November after being knocked to the ground by the boyfriend of a teenage girl he was arresting. Officer Frank T. Balzano, 65, suffered a fatal head injury in the incident, which occurred while he was working as a security guard at a local mall. Balzano, 65, had worked in the K-9 bomb unit at O'Hare International Airport since 1991.

The Joliet Police Department has agreed to make changes in how it investigates accidents in which someone dies after being struck by a police vehicle, as part of a \$750,000 settlement of a wrongful-death suit. The suit was filed by the five children of 84-year-old Josephine Nedlo, who was killed in November 1994 after being hit by a police car responding to a call about a missing youth.

The dismissal of Park Forest police officer William Tucker was upheld in December by the city's Fire and Police Commission. Tucker, who has been hearing-impaired since birth, was an officer for nine years. He was forced on medical leave after missing a robbery call in April.

**KENTUCKY** — The three-year-old curfew law in Lexington is having a minimal impact on juvenile crime, according to a report in The Lexington Herald-Leader. While the number of juvenile arrests for violent crimes appears to be down, burglary and auto thefts have increased.

Covington Police Officer Mick Partin, 25, is missing and presumed dead after falling through an opening in the Clay Wade Bailey Bridge connecting the city with Cincinnati. He was jumping from one part of the bridge to another, said police, while chasing a drunken-driving suspect.

A Pioneer Village police officer, Bart Adkins, 25, was fired in November after being charged in the death of a 17-month-old girl. The child, Breanna Shane Noe, was the daughter of Adkins's girlfriend, Christie Tracy. Adkins had been watching the baby and her twin brother, Blake. Blake was not injured. At around 1 P.M. on Nov. 26, Breanna was rushed to Kosair

Children's Hospital in Louisville by emergency workers responding to a 911 call. An autopsy of Breanna, who was pronounced dead at 7:15 P.M., showed brain, optic nerve and retinal hemorrhaging, as well as extensive bruises on her face. The coroner said her head had been "bashed" against a wall, and she had been beaten and shaken. That same night Adkins admitted himself for psychiatric care.

**MICHIGAN** — Dearborn police Det. Bob Suarez was fired Dec. 1, the same day he was arraigned on a Federal indictment accusing him of initiating and accepting bribes from home-repair scam artists. Suarez, 46, a 21-year veteran, had made a name for himself protecting the public from home-repair scams.

**OHIO** — Gov. George Voinovich has signed legislation that will create a five-member Release Authority Board to oversee juvenile paroles. At least one member of the panel must be a victim of a crime. The law, which goes into effect on July 1, will also give parole officers from the state Department of Youth Services the power to arrest paroled youths believed to be a threat to the community if local law enforcement is unavailable.

Forest Park residents were reported stunned by the mysterious suicide on Dec. 4 of 47-year-old police officer Bruce Ferguson. A 22-year veteran who was active in projects designed to help teen-agers, Ferguson dialed 911, placed the phone on a chair, and shot himself in his backyard.

Two undercover Cincinnati police officers, Specialist Ronald Jeter, 34, and Officer Daniel Pope, 35, were gunned down on Dec. 5 while trying to arrest a domestic-violence suspect.

The Cincinnati Post reported Dec. 15 that solicitors who collected millions of dollars on behalf of the state's police and veteran groups last year turned over only 14 cents on the dollar to those organizations. The largest campaign, on behalf of the Ohio Patrolmen's Benevolent Association, reportedly raised \$2.9 million. The union signed a contract to receive 15 percent of the money, or \$439,806. The solicitor, Midwest Publishing Co. of Lakewood, claimed a loss of \$140,785 on the campaign.

Faced with a much higher bid than was originally expected, the state is re-considering plans for updating the 40-year-old radio system used by the State Highway Patrol and other agencies. A bid from the Lynchburg, Va.-based Ericsson was rejected after it exceeded the \$175 million budgeted for the Multi-Agency Radio Communications System project. The sole remaining bid, from a partnership between TRW and Motorola, is still being evaluated.

Lieut. Sam Cochran of the Memphis Police Department's crisis intervention team and Dr. Randolph Dupont, director of Medical Psychiatric Services at the University of Tennessee, traveled to Cincinnati in December at the invitation of the Hamilton County Law Enforcement/Mental Health Committee to explain Memphis's pioneering program for dealing with the mentally ill. Since 1988, the program has helped cut officer injuries in Memphis by 40 percent. A fatal shooting of a mental patient in

1987 by Memphis police led to the creation of the crisis team, and 165 of the agency's 800 officers have since taken a special 40-hour training course.

**WEST VIRGINIA** — State Police Superintendent Gary Edgell has asked the state to come up with the \$395,000 needed to receive matching Federal funds for purchase of a \$1.8-million automated fingerprint identification system. West Virginia, which is home to the FBI's criminal identification division, is the only state that does not have an AFIS system, Edgell said.



**IOWA** — The state Department of Education reported in November that 61 students in 32 school districts were expelled during the 1996-1997 school year for bringing weapons to school. The increase from 36 expulsions the previous year was said to be due to better reporting and detection.

**MINNESOTA** — The Minneapolis Police Department announced the launch of its Codefor program in November, a strategy modeled on programs that have helped slash crime in New York City and New Orleans, in which crime is pinpointed on maps and analyzed within a day of reports. Previously, it took about a week for such information to be filtered down to patrol officers. Also, 911 calls will be included in the data for the first time. Under the new program, commanders will be held accountable for attacking crime in their communities, and weekly meetings will be held with top police officials to discuss crime trends and strategies.

The state Bureau of Criminal Apprehension has been asked by Minneapolis Police Chief Robert Olson to investigate the department's mounted unit's finances. Questions remain about money from fund-raisers and the sale of some horses, even after a months-long internal investigation.

**MISSOURI** — Washington Park Police Chief Johnnie H. "Chico" Matt is suing village trustees for \$50,000, after they voted Dec. 22 to fire him and take away his car. The trustees cited his improper use of the car to drive to the village of East Carondelet, where Matt is a part-time police chief. Matt is said to retain the support of Washington Park Mayor Robert Moore.

**MONTANA** — About 20 Great Falls residents spent a November weekend in a makeshift jail cell after failing to pay fines. About 7,000 people with outstanding warrants for offenses ranging from running a red light to armed robbery are being rounded up by police.

**SOUTH DAKOTA** — The first patients were due to be admitted in December to a new \$1-million substance abuse treatment center in Lake Andes. The facility was built in part with money from the Yankton Sioux Tribe's casino. Clients will be drawn from North Dakota, Iowa and Nebraska, as well as other parts of South Dakota.

Gangs are a "presence," not a prob-

lem, in Sioux Falls, according to a Minnehaha County sheriff's investigator. Authorities estimated the number of hard-core gang members in the city at 100, and the number of "wannabes" at about 300. There are an estimated 2,000 gang members statewide.



**ARIZONA** — Drew Nolan, the former Air Force security police officer who helped the Bureau of Alcohol, Tobacco and Firearms infiltrate and dismantle the 12-member Viper Militia, is living on the run and in debt after the bureau failed to place him in a witness protection program or cover his expenses. The Los Angeles Times reported in November. The newspaper said that Nolan had been told he would also be arrested to avoid any unwanted attention from the betrayed Vipers, but there was no time to stage a mock arrest. As a result, Nolan's name and address fell into the hands of militia groups all over the country.

A preliminary report of a state investigation into the activities of the Northern Arizona Street Crimes Task Force found officers being reimbursed by the sheriff's department for undercover funds used during task force trips, but no records of officers then reimbursing the funds; officers regularly withdrawing vault funds but not recording them on their undercover fund sheets; an informant's signature often varying noticeably, and sometimes being paid twice for one drug buy. The document was obtained by The Arizona Daily Sun in Flagstaff. Three of the task force's six members had been fired before the investigation began, and one retired.

**COLORADO** — A study by the state Office of Probation Services released in December showed 77 percent of juvenile criminals being arrested for new crimes within two years after completing probation. The rate is nearly twice that of adults, officials said.

Thousands turned out in November to honor the memory of Denver Police Officer Bruce Vander Jagt, shot to death by a burglary suspect who then killed himself with the officer's weapon. The 47-year-old Vander Jagt was celebrated as one who lived an exemplary life. He held two master's degrees, was working toward a Ph.D., and was an avid chess player and reader. He left behind a wife and a 2-year-old daughter.

Former Aurora police officer Leslie O. Kloman, 36, has agreed to a \$60,000 settlement of her lawsuit against the city, in which she claimed she was fired for having consensual sex with three officers, including two supervisors. Kloman said she was branded a "psycho bitch" by her colleagues because she was taking the drug Ritalin for an attention deficit disorder. She will not get her job back.

**NEW MEXICO** — A law proposed by State Sen. R.L. Stockard would have sex offender registries maintained by public libraries, school superintendents and police chiefs. The information would be available to the public. The

registries are currently maintained by sheriff's departments.

The fuel allotments for Albuquerque patrol cars have been cut from 180 gallons a month to 160 gallons by acting Police Chief Chris Padilla, after Mayor Jim Baca asked city agencies to reduce their budgets by 2.5 percent.

**OKLAHOMA** — Tulsa County Sheriff Stanley Glanz has joined a suit filed by deputies to prevent the Criminal Justice Authority from privatizing the new 1,400-bed county jail. The oversight board voted last September to negotiate a contract with the Corrections Corporation of America.

**TEXAS** — Det. Shari Degau was named as the Dallas Police Department's Officer of the Year in November — the first woman ever to win the honor. Degau, a 34-year-old fingerprint expert, last year identified 514 prints, more than anyone else in the country who uses the Automated Fingerprint Identification System. Her work has helped convict the killer of a father of three whose prints she matched from a cup left at the scene, and a serial rapist whose fingerprints she identified from an ATM slip. The Dallas PD also honored more than 250 past Officer of the Month honorees, who were presented with small green, red and white metal bars to be worn on their uniforms. Police Chief Ben Click called the recognition "a morale booster" that also serves as a reminder for all the "great things officers are doing for their department and community."

Corpus Christi police Capt. Mark Schauer was honored in December as the state's best peace officer of the year for 1997 by Attorney General Dan Morales. Schauer was cited for successfully turning a dangerous public housing project into a safe place to live.



**ALASKA** — As of Jan. 1, the state began requiring that authorities release the names of any teen-ager over the age of 13 accused of serious crimes including murder, rape and drug dealing. The rationale, officials say, is to deter teens from committing serious crimes and to protect the public.

**CALIFORNIA** — A Federal magistrate in December turned down a motion for bail by a nine-year Los Angeles police veteran charged with robbing a Bank of America branch on Nov. 6. Prosecutors say the defendant, David A. Mack, 36, was romantically involved with Errolyn Romero, a supervisor at the branch who allegedly helped execute the robbery from the inside, by making sure there was more cash on hand that day than is normally authorized. Mack allegedly showed up with two other men and made off with three bags of money, still shrink-wrapped. Authorities turned up about \$5,600 in cash at his home, along with a statement for a \$7,000 deposit on the day of the robbery and receipts for \$20,000 worth of recent purchases. Judge Robert N. Block said that as long as the money is unaccounted for, Mack poses

a flight risk.

The Los Angeles Sheriff's Department plans to implement a program — said to be the first of its kind — that will train sworn and civilian managers to recognize and resolve domestic-violence problems that affecting department personnel and members of the community. A \$100,000 grant from the National Institute of Justice will the salary and benefits for one full-time sergeant, along with travel expenses for completing the Family Violence Prevention and Recovery Project.

A state Senate report in December found California making progress in awareness of domestic violence increases and enacting more laws to combat it. There was a 54-percent drop in the number of homicides committed by former or current lovers or spouses between 1993 and 1996, the report said.

Gov. Pete Wilson has launched a campaign to inform the state's criminal element about the new "10-20-life" gun law put in effect Jan. 1. The law adds 10 years to the sentence of any criminal who pulls a gun in the commission of a crime; 20 years for firing a weapon, and 25 to life if any victims are wounded or killed.

Authorities said they do not know why Jose Luis Mendoza, 26, led Los Angeles police on a Dec. 1 chase in which he crashed into nine cars and tried to run over several officers before being shot dead by police. Mendoza was on probation for a felony drug conviction but was not wanted on suspicion of any other crimes, and the pickup truck he was driving belonged to him.

**HAWAII** — Sheriff's deputies were due to take over the duties of police at Honolulu Airport on Jan. 15, a move aimed at saving the state between \$300,000 and \$400,000 annually. However, police have raised concerns about the training and experience of the deputies.

**NEVADA** — The state Board of Pharmacy ruled Dec. 4 that possession or manufacture of gammahydroxy butyrate, a new date-rape drug, is now a felony. The drug, which had been legal in Nevada, is a serious problem, police officials told the board.

**WASHINGTON** — The \$300,000-a-year gang prevention program in King County is being shut down after Youth Services officials charged it was only legitimizing gangs by having staff members settle turf disputes.

Members of the Vancouver Police Department's SWAT team resigned in December from their specialized assignments, as did instructors in firearms, unarmed defense and driving, to protest the firing of Officer Aaron Gibson, a SWAT trainer, and the 45-day suspension of Officer Steve Neal by City Manager Vernon Stoner. The officers had left behind three flash-bang grenades in a locked, boarded up building after a training exercise last Aug. 1. A 13-year-old girl climbed into the vacant apartment, picked up the grenade, and lost her right hand in the subsequent explosion. Stoner also cut the annual pay of Police Chief Doug Maas by 5 percent for not having a written policy requiring officers to account for the whereabouts of explosive devices.

## Blue Christmas

Like the yellow ribbons wrapped around tree trunks during wartime, the families and friends of slain police officers have taken to decorating their homes during the holiday season with blue lights, in a tradition that seems to be growing from coast to coast.

"I think it's a great way to show support for the police, especially in L.A.," said **Cathy Beyea**, whose 24-year-old son, **James**, a Los Angeles police officer, was shot in the head with his own gun by a teen-age burglar. "For the past few years, they've been getting kind of a bad rap."

The national campaign to spread Project Blue Light is being led by Concerns of Police Survivors (COPS), a non-profit group formed in 1984 to assist the families of slain officers.

It began in 1988, said spokeswoman **Terrie Soper**, when the mother-in-law of a slain Pennsylvania officer placed a single blue bulb in the front window of her home. "It took off from there," Soper said.

Said **Richard Sherman**, a clinical psychologist who lectures at California State University-Northridge, "Whether it's a blue light or a yellow ribbon it provides a sense of bonding." And it's not only for those who suffer a loss, he added, "but allows others to show caring, support and respect. It's really a pulling together."

To **Donna Lamomaco**, the 800 blue lights she drapes around a pine tree in front of her home mean "don't forget."

Her husband, New Jersey Trooper **Philip Lamomaco**, was killed in 1981. She said she had been baking Christmas cookies with her children when two of her husband's colleagues came to the house. It was three days before Christmas.

"They said Phil had been hit," she said. "I asked him if it was by a truck or car. They said he was shot. I just kept thinking, 'Dh, the poor baby's probably so scared. I've got to get to him.' When I got to the hospital he was already gone."

Baking Christmas cookies ever again was out of the question, Lamomaco said, so the family struggled to find new ways of celebrating the season. Three years ago, they began dressing the big pine tree in their front yard with blue lights.

The lights make people come and ask questions," Lamomaco told *The Los Angeles Times*. "It makes me feel good to tell them what they're about."

## New calling

When **Scott Paul** completes training this spring, he'll no longer be wearing the clerical collar of a minister, but the uniform of the Independence, Ky., Police Department, where until recently, Paul was a volunteer police chaplain.

Paul, 39, resigned as pastor of the Church of Christ in Nicholson last October after he was ordered to report to the police academy at Eastern Kentucky University in Richmond for 10 weeks of training. He will be among four new officers who are joining the 20-officer

Independence police force, which serves a city of 20,000 residents located a few miles south of Cincinnati.

A Missouri native who attended the Johnson Bible College in Tennessee and the Cincinnati Bible College and Seminary, Paul is no stranger to law enforcement. He has worked as a volunteer chaplain for both the Independence and the Kenton County police departments, riding along with officers who might need spiritual guidance and making death notifications.

Paul could not be reached by *Law Enforcement News* for comment because he is in training. However, he told *The Cincinnati Enquirer* recently that he believes the new job is his new calling, one that will allow him to continue to do God's work. "I prayed very fervently, 'If this is not your will, close the doors.' And the doors continued to be opened."

Paul added that his new job will dovetail nicely with religious background. "I'm really grateful for my prior life experience," he said. "As a believer in Christ, I believe everything I do is an extension of my faith."

Police Chief **Ed Porter** told *LEN* that he believes Paul will bring unique skills to his job, although he'll have to remember that his primary role now will be enforcing the law.

"He can still do both; it's just a matter of how you change roles," the Chief said. "Certainly, he's got a degree of compassion and sensitivity. That's not to suggest that doesn't exist among law enforcement personnel, but it's a little bit different. Certainly, his public speaking and people skills will be a great benefit to us."

Porter, a former Cincinnati police lieutenant who has been police chief in Independence since 1996, added that Paul already has provided a valuable service to the agency as its chaplain, often accompanying officers who may be under stress on their patrols to talk to them about their problems.

"A lot of time when he conducted ride-alongs, it was because a particular officer might indicate a desire for that to happen, or perhaps [Paul] saw some indicators that would call for that.... I never once said no. That role was a big part of his job," Porter said.

"He can still demonstrate compassion," the Chief added. "But sometimes you can't demonstrate the compassion level that you'd like to because you do have to protect yourself — and others at the same time."

## Building bridges

Thirty-two years after Selma, Ala., entered the history books as a flash point of the struggle for civil rights, the city is making history again by naming its first black police chief.

Mayor **Joe Smitherman** selected **Earnest Tate**, 59, to lead the 74-officer agency in the city of 27,000 located about 50 miles west of Montgomery. Tate replaces **Randy Lewellen**, who was fired amid an investigation of alleged misappropriation of public funds.

Tate, who was assistant police chief at the time of his swearing-in on Nov. 24, was one of the first few black officers hired by the city when he joined the Police Department in 1968. The department is now 55 percent black.

That's a stark contrast to the 1960s,

## Talking tough

### Birmingham chief eyes zero-tolerance, agency overhaul

Saying he was dissatisfied with his Police Department's crime-fighting efforts, Birmingham, Ala., Mayor **Richard Arrington** last month named **Capt. Mike Coppage** as the city's top cop.

Coppage succeeds Police Chief **Johannie Johnson**, who becomes the Mayor's administrative assistant.

Coppage, who took command of the 900-officer Police Department on Jan. 1, vowed to beef up efforts against quality-of-life offenses in the hopes of taking a bigger bite out of crime. The strategy mirrors an approach adopted by the New York Police Department, which officials say has led to the arrests of suspects in more serious crimes and has erased conditions that breed crime.

The change in police chiefs comes just a few months after the release of a critical report on the Police Department by First Security Consulting Inc., which sent a team headed by former New York City Police Commissioner **William Bratton** to Birmingham to conduct an in-depth review.

Finding an agency in which morale was low and officers were underpaid, the study recommended a departmental restructuring, the acquisition of new equipment and more two-officer patrol cars.

Arrington is said to have pressed for a zero-tolerance approach to crime-fighting, but Johnson apparently failed to deliver. Coppage, however, said last month he will embrace the strategy. "If you're violating the

law, there's no discretion," he said at a news conference. "You'll be dealt with according to the law."

The new Chief hinted that implementing a zero-tolerance approach will not be an overnight affair. "What we have to do is define what our policy will be with regard to zero-tolerance and really impress upon the officers the professionalism aspect of it," Coppage told *The Birmingham News*. "You try to de-escalate a situation so you can resolve it peacefully without having to get into a tussle or Mace somebody."

Coppage, a 24-year Birmingham PD veteran, tried some zero-tolerance tactics in troubled areas of the city's East Precinct, where he was commander for two years prior to becoming chief. There, police used roadblocks to limit traffic in areas rife with drug-dealing, patiently explaining to residents what was happening and why.

"Understand that you're going to be inconvenienced, even if it might be for a few seconds, and if we ask questions, don't get your feelings hurt," he explained. "Some people called and said they saw a difference. Some called saying they were being harassed. Those calls we did get were from the people we were trying to keep out of the neighborhood, the dope dealers and people who had no business there, so it worked for us."

"It's all in the training of your officers and in making the public aware so they don't feel alienated and harassed," Coppage said.

Coppage said he would seek to adopt most of the recommendations in the First Security report, perhaps

beginning with a personnel shakeup that targets officials he feels "have been there too long."

"They're just too comfortable," he said, without naming names. "They've gotten complacent and they're just getting by. We need to get those people out and get in some fresh blood, like I keep saying, renew the organization."

Any changes will take place following the completion of a personnel survey Coppage plans to conduct to find out how long officers have been in their current positions and what kind of goals they've set for themselves.

Coppage, who holds bachelor's and master's degrees from the University of Alabama-Birmingham, said he also intends to:

¶ Make routine videotaped messages to officers outlining his goals and what he expects of them in return.

¶ Shift deskbound officers, including administrators and detectives, to one patrol shift in the field once every four months "to eliminate the perception that the people upstairs don't know what the people in the field do." Officers in precincts can expect to be appointed "sergeant for the day," a program Coppage implemented in the East Precinct.

¶ Have lieutenants or sergeants fill vacancies that have traditionally been held by captains. "If there's a position not filled and I have a real gung-ho lieutenant or sergeant out there, I will let them run with it and see what they do," he said.



(Selma Times Journal)

**Selma, Ala., Police Chief Earnest L. Tate accepts congratulations from the man who appointed him, Mayor Joe T. Smitherman.**

when the department was lily white. In 1965, Selma police officers and Dallas County sheriff's deputies were among those who attacked civil-rights marchers on the Edmund Pettus Bridge that spans the Alabama River. The incident awakened the nation to the injustices of the Jim Crow era, and prompted Congress to pass the Voting Rights Act.

Tate was not on the bridge that day, although he was making history in his own way. That year, he became the first black man in Alabama to hold a contract to deliver and pick up mail from post offices, a task he still does on weekends. Three years later, the police chief at the time asked him join the force, becoming only the department's

fourth black officer.

In an interview with *Law Enforcement News*, Tate recalled his early days as a Selma police officer. "There were suspicions at first," he said of relations between white and black officers at the time. "But after six to eight months, white officers saw we weren't going to abuse our authority, we were going to use it and we were going to be fair. That's what gets people's attention — being right in what you're doing."

Tate downplayed the significance of his appointment, saying it was just a matter of hard work and seniority. He seemed to prefer to discuss the future and his goals for the agency, saying he will urge city officials to increase the agency's budget so he can add officers and upgrade equipment. "As chief, I'll tell the city not what we need to have, but what we've got to have," he said.

Tate's powers of persuasion already have helped get city funding for new cruisers outfitted with camcorders as well as the impending addition of five more officers. "When I was assistant chief, I did a lot for the department," he said. "There ain't too much more I can give 'em, so I'm expecting something from them now."

Tate says he has good relations with his officers, most of whom he trained himself. "They all know me, and we get along well, black and white. They know we've got a job to do."

# Yours, mine & hours

## Work-schedule changes rile LA cops, please 'em in Durham

### After 3-year pilot effort, LA chief junks popular 3x12 shift format

Members of the Los Angeles police union staged a "paper action" recently to protest Police Chief Bernard Parks's elimination of a popular work schedule that allowed officers to work three 12-hour days, then take the rest of the week off.

The scrapping of the compressed work schedule, which was instituted on a pilot basis three years ago in six divisions of the Los Angeles Police Department, prompted some of the 9,500 members of the Police Protective League to join the protest aimed at getting Parks to reconsider his decision.

In November, hundreds of officers assigned to the six divisions who had accrued overtime asked for time off. In cases where the requests were denied, the department violated labor rules, thereby setting the stage for a legal showdown between the league and the Police Department.

The league took the action after a breakdown in negotiations with Parks and following unsuccessful attempts to

get court-ordered temporary injunctions to force the department to keep the schedule, which officially ended Nov. 22. At no time was public safety at risk because of the protest, said PPL director Dennis Zine, a 29-year veteran.

Parks said he abandoned the compressed work schedules because they limit staffing flexibility and do not provide the best service to the community.

"Chief Parks had a problem with the fact that officers would have more time off, and he was concerned about them having off-duty jobs and didn't think they had the same dedication to service. We felt all of our research showed just the opposite," Zine said, adding that the 3/12 schedule gave officers more stability at home because they had more time to spend with their families.

Zine said the 3/12 plan offered "numerous, countless" benefits, including fiscal savings to the city, improved officer morale and greater productivity.

"In all the time the compressed work schedule was in operation, we

never had a grievance, we never had disruptions of police service. People in the community liked it because they knew who their police officers were, and the days and hours they would be working. It brought the community and the police much closer," Zine told Law Enforcement News.

An LAPD spokesman said Parks does not intend to reconsider the change. But Zine vowed that the league will continue to press the department to do so in ongoing negotiations with the city.

"The officers are very unhappy with the change," he added. "The department's own research shows it saves money and is effective in all areas, it's just that the chief didn't want it."

Zine said the reinstatement of the work schedule is atop a list of several changes made by the Chief that the union opposes, and he called on Parks, who took office last year, to cooperate with the league.

"We want to work with management to make our members happy," he said, "and it seems more productive to have a cooperative relationship instead of fighting. But this chief has come in and made major changes in the organization structure, which aren't being well-received by the members — or by the community for that matter. We would prefer to work with this man, not against him, but he's got to be receptive and understanding of the needs of the membership."

### So much for uniform patrol

#### County police seek to straighten out wardrobe

Orange T-shirts, spandex pants, baseball caps, military BDU's — but no black bikinis.

"One day I saw a couple of officers in spandex pants," Burgess told The Atlanta Constitution. "It looked like two pigs wrestling in a sack."

He is now in the process, he said, of trying to straighten out the confusion.

"We're trying to hold to black Reebok-style footwear or a high tech boot," said Burgess. The new official uniform is a tailored version of the military battle dress uniforms (BDUs) that the department's Black Cat drug interdiction team had abandoned, a black polyester-cotton blend. Officers will wear a gray polo shirt in summer, and a long-sleeved black cloth shirt in winter. The Black Cats now wear gray.

A black baseball cap has replaced the bus-driver hats that tended to blow away at the slightest gust of wind. The change in headgear is not without its own problems, the caps have caused some officers to be mistaken for security guards.

However, any uniformity of dress may be a while in coming, Burgess said. The county pays for police apparel, he noted, so "we can't throw the old clothes in the garbage. We're going to have to wear them out."

Police Academy just last month. The newest officers will be assigned to the city's 23 patrol districts, replacing veteran cops reassigned to the special units.

"We feel it's going to have a significant impact on crime and related problems," said Police Commissioner Richard Neal.

Slawson, the PPD spokeswoman, said the deployments will be followed up with efforts by other city agencies to stabilize the targeted areas by removing conditions that breed crime, such as demolishing abandoned buildings, some of which have been taken over by drug dealers and users.

"This is a joint effort on the part of city officials to bring some closure to some of the problems we're having. It's not just a drug problem; there's a number of things going on in all of our communities. In order to make this work, we can't just go in there, clean up the drug activity...and not supply any type of social services for the community," Slawson said.

The latest action comes on the heels of months of controversy and criticism from city and state officials, which came to a head last summer when a bipartisan group of state legislators called on the Police Department to add more officers and deploy personnel more effectively.

During the City Council's budget hearings last spring, members said they were receiving an increasing number of complaints from constituents regarding the Police Department's alleged failure to respond to their calls for relief for their besieged neighborhoods. The council's president, John F. Street, said the department needed to dramatically increase its narcotics division.

### Not tough enough? Philadelphia PD flexes its muscles

Hoping to blunt criticism about its crime-fighting abilities, the Philadelphia Police Department this month rolled out special units that will crack down on street-corner drug-dealing and violent crime in targeted neighborhoods.

The Narcotics Strike Force teams will remain in the targeted areas to keep drug activity from recurring and to aid the efforts of other city agencies to stabilize the neighborhoods, said a police spokeswoman. Sgt. Susan Slawson, who added that the first deployment took place Jan. 5.

"The teams will stay in the targeted areas for two or three months, then we'll go back to see what kind of ground is covered," Slawson told Law Enforcement News.

Mayor Ed Rendell announced the plan last November, saying the Police Department would assign 200 uniformed officers to anti-drug efforts. Staffing for the 50-member strike force was beefed up by 100 officers, while 100 more would be assigned to a newly created team in the Highway Patrol Division to back up the strike force and target other crime problems. When possible, the teams will be sent to neighborhoods experiencing a wave of specific crime, such as robberies, the Mayor said.

In addition, Rendell said the 52-member Tactical Response Team, which patrols special events, would be disbanded. Thirty TRT officers were to be assigned to the Traffic Division, while others would be assigned to the strike force.

Rendell said the changes were made possible by the addition of 600 new officers over past few years, including 213 rookies who graduated from the

### Durham officials, cops all like week-off plan

To the delight of officers, the Durham, N.C., Police Department has reinstated a work-schedule system — one that had been scrapped nearly three years ago — which will give officers one week off every three weeks.

The schedule, which took effect Jan. 5, replaces a previous arrangement under which officers worked 12-hour shifts followed by two- or three-day breaks. Under the new schedule, officers will work 12-hour shifts for 14 of 21 days, then get a week off.

Officials said the change will expand the number of officers on patrol, give them more time to adjust to shift changes and allow them to spend more time with their families. "We're looking at what is in the best interest for our police officers," City Manager Lamont Ewell told The Charlotte News and Observer recently. "This change will benefit both."

A similar schedule had been in place for nearly 15 years when, in April 1995, it was scrapped by then-Police Chief Jackie McNeil, who said shorter breaks would allow him to assign officers to beats more frequently, thereby aiding community-policing efforts. Officers greeted the change with pickets and filed grievances, claiming the arrangement deprived them of time with their families and jeopardized part-time jobs.

Sgt. Phil Wiggins, president of the Durham chapter of the Fraternal Order of Police, which represents city officers in labor negotiations, said officers

are thrilled with the new scheduling policy.

"We feel it has a lot of benefits all the way around. The time off gives us time to adjust, then come back a bit more refreshed and not have to worry about the job every day," he told Law Enforcement News.

Wiggins said McNeil never offered a satisfactory reason for the change. A survey conducted by the FOP showed that 98 percent of the officers "liked the way it was," Wiggins said.

"He said he made the change because the old schedule wouldn't work with his community-oriented policing plan. Our question was why wouldn't it?... We feel we can do anything that needs to be done under this schedule," he added.

McNeil retired as chief last year and was succeeded this month by Teresa C. Chambers, a former major with the Prince George's County, Md., Police Department.

Ewell, the City Manager, said the new work schedule is crucial to the success of a seven-point anti-crime plan he announced this month, which includes using \$500,000 this year to increase officer patrols.

According to Wiggins, officers would be more likely to work overtime if they can do so in the midst of a week-long break.

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# Police force allegedly run as criminal enterprise

Former West New York, N.J., Police Chief Alexander V. Oriente and eight other former or current officers, including his son, were charged Jan. 13 in a 69-count Federal indictment alleging that they collected hundreds of thousands of dollars in bribes and kickbacks from illegal gambling operations, prostitution and after-hours liquor sales.

According to the unsealed, 74-page document, Oriente and the others received at least \$600,000 between 1989 and 1997, much of it revenue from electronic poker machines. Officers allegedly "encouraged and coerced" local merchants to install the games and leaked information about impending law enforcement actions, according to the indictment. Once notified, "protected" establishments were told to suspend gambling activities and replace the machines with inoperable shells that would then be seized in the raid, the indictment charged.

Prosecutors said the officers allowed the machines to be distributed in nearly 200 restaurants, bars, grocery stores and other establishments. Customers could accrue credits for which store owners would pay them 25 cents each. Losing players yielded heavy profits, which were divided among the store owners and the companies that owned the machines.

More than \$500,000 in revenues was generated by prostitution in the city, according to the indictment. Much like the gambling operations, the prostitution racket was given advance warning about raids in exchange for payments. Kickbacks from illegal liquor

sales, the corrupt cops' third scheme, apparently generated an additional \$95,000 a week in cash payments.

The intermediary in all three operations was allegedly Prudencio Lemagne, also known as "Chino," a self-employed contractor close to former Chief Oriente.

Oriente, who served with the 140-member department for 40 years, is the lead defendant in the indictment. Investigators said Oriente earned an annual salary of about \$90,000, and showed no outward signs of the millions of dollars officials believe he made illegally over the years.

His son, Alexander L. Oriente, a 17-year veteran and the supervisor of the WNYPD's Detective Division, was indicted as well. Also charged were Lieut. Richard Hess, a 42-year veteran; Sgt. Arthur Pena, an 8-year veteran; Detective John Morrow, a 14-year veteran; Detective Carlos Rivera, a 4-year veteran; and three officers, Carlos Irimia, Charles Whisten and Manuel Gonzalez. Maurice Ryan, a retired Union City police lieutenant, and his wife, Eunice, were also arrested.

In all, 21 arrests were made, ending a three-year investigation by the FBI and the Internal Revenue Service of a police department that was run as "an elaborate criminal enterprise," according to William C. Megary, the special agent in charge of the FBI's New Jersey office.

The likelihood of arrests had been in the air since last spring. Oriente abruptly retired as chief in October, and the department was taken over by the



Former West New York, N.J., police chief Alexander Oriente is escorted by Federal agents from FBI offices in Newark, N.J., on Jan. 13 after he and eight other law enforcement officials were indicted in a major police corruption case.

(Wide World Photo)

Hudson County's Prosecutor's Office.

"The law was enforced only selectively in West New York," said Faith S. Hochberg, the United States Attorney for New Jersey. "If you paid a bribe, you got protected. If you didn't pay a bribe, you got arrested."

Federal prosecutors said they hoped the arrests would serve as an example of the Government's intention to crack down on corruption. Small tightly-knit towns like West New York, with its 40,000 mostly low-income residents, face a serious risk of municipal corrup-

tion, agreed Mayor Albio Sires.

"The problem with these communities," he told *The New York Times*, "is that everything is done from within. You have to break a cycle. Sooner or later, you have to bring in new blood, new people from outside, new ideas."

## Changes aplenty in the works for DC force

Continued from Page 1

ny Mary Lou Leary said more resources will be dedicated to investigating alleged corruption in the agency.

"The goal of this team is to identify misconduct and criminal behavior and aggressively move forward with first, criminal prosecution, and then administrative action, if appropriate," Proctor said.

The move follows a decision by city officials and the city's financial control board to hire an inspector general to oversee police-corruption investigations. In addition, the O.C. Council also has indicated that its Judiciary and Government Operations Committee will investigate corruption allegations.

Leary cautioned, however, that the layers of oversight announced so far do not "mean that there's a lot of corruption in the Police Department. With Soulsby's resignation, all kinds of allegations have surfaced, and concerns have been raised about MPD and the perception of a big problem."

The Federal prosecutor's comment came just days after police Insp. Glenn Hoppert, who was demoted by Proctor earlier last month, told the O.C. Council that department officials were aware of rampant corruption on the force, but took no action or covered it up. Hoppert also charged that the agency is ruled by cronyism, that retaliation against whistle-blowers was common, and that the overtime pay system is routinely abused.

On Jan. 2, Proctor said that she was reviewing a reorganization plan submitted by Homicide Division Comdr. Alfred Broadbent that includes reas-

signing detectives to headquarters from the city's seven district stations. Soulsby had moved nearly 70 detectives out of headquarters last July at the recommendation of the control board in an effort to bolster the homicide unit's effectiveness and boost sagging case closure rates.

"I'm currently looking at a new model," Proctor said of the plan. "If they can show me things will work better with them in headquarters, then they'll come to headquarters. If it's better in the districts, they'll stay there.... We want to have the best thing."

Homicide detectives have complained that the reassignments made communications between them more difficult and that their efforts were hobbled by a lack of computers, secure witness-interview rooms, and reduced access to crime and suspect information that is more readily available at headquarters.

Meanwhile, the search for Soulsby's permanent replacement is continuing and is not expected to be complete until at least March. Proctor is a candidate for the job, but several prominent figures, including current and former big-city police executives, have reportedly declared themselves uninterested. The *Washington Post* reported in late December that former New York City Police Commissioner William Bratton, New Orleans Police Superintendent Richard Pennington, a former MPO assistant chief, and Charleston, S.C., Police Chief Reuben Greenberg had all rejected overtures from city officials for the job.

A citizens' committee appointed by

Mayor Marion Barry will recommend a list of candidates from which he'll select Soulsby's successor, who then must be approved by the O.C. Council. Ultimately, the final say in the matter rests with the control board that was appointed by President Clinton almost two years ago to oversee the district's tangled financial affairs.

Soulsby resigned following news reports detailing his friendship with former MPO Lieut. Jeffery S. Stowe, who is the subject of a Federal inquiry into the handling of a "confidential" fund pegged for the agency's special investigations division that is used pay informers and the costs of short-term witness protection.

Soulsby and Stowe, both of whom are separated from their wives, moved

about a year ago into a luxury two-bedroom apartment for which they split \$650 a month in rent—in a building where rents typically range from \$1,700 to \$2,000. They were able to get the cheap rate because Stowe allegedly told the building manager—without the Chief's knowledge—the flat was going to be used as a base for a police undercover operation.

Stowe, a former commander of the special investigation division who was put on paid administrative leave after FBI agents searched his home and seized documents and videotapes, is suspected of orchestrating an extortion scheme that targeted married men who were seen leaving gay bars.

Soulsby denied any impropriety, telling *The Washington Post* that he

thought the below-market rent was part of a residency program that provides housing discounts to police officers who reside in the district. He added that he is cooperating fully with authorities investigating the matter.

The same day Soulsby resigned, Federal authorities charged Stowe with embezzling police funds and extortion. They are also continuing their investigation into whether the Chief had any knowledge of the lieutenant's scheme to blackmail gay-bar patrons.

In a touch of irony, the unceremonious end to Soulsby's tenure came just as the department finally had some good news to report—that the nation's capital would end the year with a nearly 20-percent drop in overall crime, including a 25-percent decline in homicides.

## 16 more earn CALEA laurels

Sixteen law enforcement agencies received their initial accreditation credential and 28 others were reapproved at the most recent meeting of the Commission on Accreditation for Law Enforcement Agencies.

The latest awards, which were announced in Tulsa, Okla., in late November, brought to 463 the number of agencies that have been accredited since 1984.

Agencies that were accredited for the first time included police departments in Bartlett, Ill.; Bristol, Va.; Burlington, Vt.; Memorial Villages, Texas; Mentor-on-the-Lake, Ohio; Muskegon, Mich.; Norcross, Ga.;

Quincy, Ill.; Springfield, Mo.; Warwick, R.I., and Winston-Salem, N.C. Also accredited were the Arizona State University Police Services Division in Tempe; the Jacksonville (Ala.) State University Police Department; the Housing Authority of Baltimore City Police Force; the Indian Creek Village, Fla., Public Safety Department, and the Monroe County, Ga., Sheriff's Office.

Among the reaccruited were police departments in Cary, N.C.; Haines City, Fla.; Harrison, Ohio; Knoxville, Tenn.; Loveland, Colo.; Margate, Fla.; Midland, Texas; Mt. Pleasant, S.C.; Naperville, Ill.; Plano, Texas; Roanoke County, Va.; Scottsdale, Ariz., and

Wethersfield, Conn., and sheriffs' offices in Jacksonville/Duval County, Fla.; Polk County, Fla.; and Washington County, Tenn. Two state law enforcement agencies—the Tennessee Bureau of Investigation and the Missouri State Highway Patrol—also were reaccruited.

Ten agencies were accredited for the third time: the police departments in Newton, Mass.; Burleson, Texas; Kettering, Ohio; Prince William County, Va.; Rochester, N.Y.; Thomasville, Ga.; Virginia Beach, Va., and Lee County, Fla., and sheriffs' offices in Arapahoe County, Colo., and Pinellas County, Fla.

# Miami mayor, police chief patch things up

All signs of discord between Miami Police Chief Donald Warshaw and Mayor Xavier Suarez were brushed aside this month when they appeared side by side to announce a 5-percent drop in crime in the city during 1997.

The apparent rapprochement between the Mayor and his top cop came as a surprise to many observers who had watched an escalating clash of personalities over the past couple of months that almost wound up costing Warshaw his job. Warshaw got so fed up with Suarez's litany of criticisms of his leadership of the department that he agreed to vacate the office by Jan. 2. He also began consulting lawyers to find out what legal options were available to him should he be fired.

At times, the conflict resembled so much theater of the absurd. At one point last November, Warshaw watched on television as Suarez stepped from his helicopter fresh from having interviewed Cape Coral Police Chief Arnold Gibbs, his choice for the chief's job. "I strongly resent the fact that I had to... see the Mayor getting off a helicopter, coming back from talking to someone about my job, when my job wasn't even vacant," Warshaw told reporters.

Suarez, who was elected as the city's

first executive Mayor on Nov. 13, immediately criticized Police Department operations, claiming that less than one-third of the agency's officers were on patrol at any given time, thereby rendering police efforts against crime ineffective. Police officials took issue with that claim, pointing out that more than 700 officers are assigned to the uniformed patrol division.

Last month, Suarez ordered an inquiry into the department's spending of a special overtime budget, 80 percent of which had been depleted just two months into the fiscal year. Suarez said the chief had spent \$417,000 of the fund's \$500,000 budget.

In a memo sent to interim City Manager Frank Rollason and manager-designee Jose Garcia-Pedrosa, Suarez said it was "evident that Chief Warshaw spent the bulk [of the funds] during the months of November and October when — coincidentally — the mayoral race was in full swing."

Warshaw countered that \$200,000 of the expense was used to pay overtime for officers who agreed to work one additional day a week beyond their four-day schedules. Warshaw said he put the "fifth-day beat" program into effect in October through early January to help the agency meet personnel

demands as it waits for 67 new officers to complete academy training.

In December, four city commissioners publicly stated that they would not support Suarez's efforts to oust the Chief. In the meantime, county prosecutors advised Suarez that his call for Warshaw's resignation violated the city charter. Late last month, Suarez agreed to a legal settlement rescinding all personnel changes that were made beyond the authority vested in him by the charter.

So Jan. 2 came and went with Warshaw still at the helm of the 1,100-officer agency.

By Jan. 14, when both officials appeared at a news conference to announce Miami's 5-percent drop in crime, all signs of their frosty relationship appeared to have melted away in the South Florida sun.

Suarez heaped praise on Warshaw, saying he runs an aggressive, well-organized police department with high morale, one that is "held in the highest esteem by the community."

When a reporter asked if this meant the rancorous relationship between the two men was in the past, Suarez replied: "This is the second or third straight press conference where I said nothing but nice things. How many does it take

before you can conclude for yourself the answer?"

For his part, Warshaw said he was following up on several of Suarez's crime-fighting ideas, saying that a key focus for this year will be a crackdown on quality-of-life crimes.

The 1997 figures give the city a 28-percent drop in crime over the past four years. Warshaw attributed the decline, which included a 20-percent drop in homicide, to more citizen involvement and dedicated officers who worked hard despite personnel shortages. Warshaw said the addition of new recruits will bring the number of officers to 1,167

— the highest level ever — by the end of 1998.

"The Chief is comfortably in place at this point," said Lieut. Bill Schwartz, a Miami police spokesman. "He has said he plans to stay until at least January 2000."

Schwartz told Law Enforcement News this month that things "seem to have settled down" between Warshaw and the Mayor. "There hasn't been the tension that we saw early on," Schwartz said. "He's not going to single out anybody, including the chief of police, until they prove themselves on their own merits."

## North Carolina says emphatic 'no' to DWI

Is highway safety a crime issue? In North Carolina, you bet it is.

As Monroe police Sgt. David S. Williams observed: "A person can die whether he ate a bullet from a nine-millimeter or from a 3,000-pound vehicle. Which is more preventable?"

Since the state's "Booze and Lose It" campaign began in 1994, more than 35,000 people have been arrested for drinking and driving offenses. Highly visible sobriety checkpoints set up around in the state each week have not only cut drunken driving there to the lowest rate in the country, but have also accounted for tens of thousands of arrests for non-driving criminal violations.

And now the state has ratcheted up the pressure another notch.

A tough new law that took effect Dec. 1 will let officers seize a vehicle if a motorist charged with driving while impaired has a revoked license from a previous DWI conviction. If convicted again, the driver will lose his car to the local school system. Auctioning off those cars has raised \$4 million for North Carolina's schools, more than any bake sale in history.

Also, drivers whose blood-alcohol levels test .08 percent or higher can lose their licenses on the spot. Those under 21 can lose their licenses if they have any alcohol whatsoever in their system.

Justice is meted out almost immediately with the state's one \$40,000 Breath Alcohol Testing Mobile unit, affectionately called the Batmobile. Looking quite a bit like the converted school bus that it is, the driver's seat swivels around and become a magistrate's chair. Motorists could lose their licenses immediately, or be sent to a higher court, where those convicted face jail time.

This effort has earned North Carolina an 'A' rating from Mothers Against Drunk Driving, one of only four states last year to earn that grade. "In many states, it's like they have a concentrated push for two years and then it slacks off," said MADD president-elect Carolyn Nunnaliet.

While court officials worry about cases burdening the court system, and some complain about the time spent waiting to go through the roadblocks, police and state officials claim the program saves lives. They say the 17-percent increase in the number of alcohol-related fatalities in 1996 compared to the previous year was due to more cars on the road.

Not only do police check for sobriety, but a companion "Click It" program nabs motorists who fail to buckle up. North Carolina has pushed seat-belt usage by front-seat passengers to nearly 83 percent, some 15 percentage points above the national average. The campaign has been so effective, in fact, that in 1994 and 1995, the state's insurance carriers agreed to cut rates to reflect lowered risk levels. Jim Long, the state insurance commissioner, told *The New York Times*.

The DWI checkpoints also serve another function, as the state's law enforcers have discovered. Between 1993 and last September, some 43,000 arrests were made for criminal violations unrelated to traffic issues, such as possession of illegal weapons or narcotics.

Very few criminals take public transportation, said Joe Ann O'Hara, a highway safety specialist with the National Highway Transportation Safety Administration. "Criminals drive," she told *The Times*, and they are not very careful about using seat belts, registering their vehicles or driving sober.

## Who's in charge here?

### Connecticut seeks stability at helm of public-safety agency

For Connecticut State Police Col. William T. McGuire, it was all or nothing. After his nomination to become state public safety commissioner was recently withdrawn by Gov. John G. Rowland, the 45-year-old McGuire opted to retire rather than accept a lesser position in the agency, which oversees State Police operations.

The announcement of McGuire's decision to step down as head of the State Police came following the Jan. 15 swearing-in of the man Rowland ultimately chose as public safety commissioner, John A. Connelly.

McGuire's retirement is effective Feb. 1. The agency's most senior officer, Maj. John F. "Jack" Bardelli, 53, was promoted to colonel and named by Connelly to succeed McGuire.

Connelly, the longtime state's attorney in Waterbury, said he informed McGuire of his intentions earlier this month, telling him "that he would not be appointed either the colonel or one of the two lieutenant colonels, and that then he would have to make a decision for himself [as to] what his future with the Connecticut State Police would be."

Rowland had withdrawn McGuire's nomination to head the public safety department in the wake of charges that he was insensitive to gays and women, and that he had abused his authority by using State Police resources to investigate critics. *The Hartford Courant* reported this month.

The reports surfaced after the Governor had selected McGuire to serve in the post on an interim basis following the retirement last summer of his first public safety commissioner, Kenneth H. Kirsbner.

"We've had some problems in the last several months, and this is a chance for us to start with a fresh clean slate," Rowland said.

McGuire's nomination set off a controversy in which the colonel's critics said he lacked experience and qualifications for the top job. He also was implicated in a scandal involving Project Northstar, a military surplus acquisition program run by a state trooper who was arrested on charges of pilfering equipment. The scandal embarrassed the Governor and is said to have prompted Kirsbner's abrupt exit when it was learned that some of the equipment found its way to his family and members of his staff.

Eugene D'Angelo, the trooper charged in the case,

told internal affairs investigators that McGuire told him to hoard the equipment and knew that restricted materials were being given to civilians.

Allegations about McGuire's insensitive attitudes toward gays and women followed, some of which were contained in lawsuits filed by a gay trooper. McGuire denied all of the charges.

In October 1996, *The Courant* reported, McGuire, under questioning by attorneys representing the trooper who claimed she was denied promotional opportunities because of her sexual orientation, McGuire acknowledged he may have made derogatory statements about homosexuals. "Have I done it publicly? Never. If I've done it in the privacy of my home, I guess that's my business."

McGuire also launched a criminal investigation to identify the sender of a fax that alleged he made derogatory remarks about Trooper Stacey Simmons, a lesbian who resigned from the CSP in 1996 and is now a Los Angeles police officer.

McGuire reportedly obtained security-camera videotape from the Hartford copy store where the fax was sent. Investigators then compared images from the videos, which were enhanced at the State Police crime lab, to photographs in a State Police yearbook. They also questioned State Police employees about the matter, the newspaper said.

On Dec. 8, McGuire vowed to discover the identity of the "gutless wonder" who made the allegations in the fax, saying they could face a harassment charge if found out. "I'm really getting a little bit tired of this abuse that I'm taking from certain individuals, who don't have the guts to stand up and make these accusations to my face," he told *The Courant*.

Bardelli, the new State Police head, is the former commander of the organized crime task force, the criminal investigations bureau and, most recently, the bureau of information management and telecommunications. He is a lawyer with a degree from the University of Connecticut Law School. His wife, Edith, is a State Police detective assigned to the casino unit who is due to retire after 21 years of service.

In a statement, Robert B. Veach, the president of the Connecticut State Police Union, called the selection of Bardelli "appropriate," adding that the 32-year veteran is "well-respected by the rank-and-file troopers."



Headlights trail down the highway, as four of the 40 officers manning a roadblock on U.S. 1 near Interstate 40 in Cary, N.C., check for drunken drivers on Dec. 13. (Wide World Photo)

# Taking back what's theirs

Police, residents fight to reclaim — and keep — crime-scarred NYC blocks

By Jacob R. Clark

When William Bratton was sworn in as New York City's police commissioner four years ago, he vowed that the police would wage a war on crime in which it would "fight for every street...every house...every block."

Bratton is gone, but under his successor, Howard Safir, the New York Police Department continues to do just that, particularly in a pocket of upper Manhattan where blocks once ruled by drug dealers and their customers have reverted to their legitimate residents.

The project known as Operation Take Back is an attempt to bring the huge crime declines experienced by much of New York City to neighborhoods where crime and drugs are more entrenched, according to Deputy Inspector Garry McCarthy, who oversees the effort as commanding officer of the 33rd Precinct in Washington Heights, where the success story has been evolving over the past 18 months.

"If someone's selling drugs on your doorstep, it's not going to matter if I tell you crime is down 40 percent. You've still got crack dealers on your doorstep," said McCarthy, a 16-year veteran of the NYPD, during a recent interview with Law Enforcement News.

Operation Take Back has focused thus far on just two blocks in the precinct, but the change in conditions there has been dramatic.

Gone are the brazen 24-hour, open-air drug markets that kept law-abiding residents of 163rd Street shuttered inside their apartments behind triple-locked doors. Ostensibly legitimate businesses that were used as fronts for prostitution and drug dealing are now closed. Several buildings on the block, which is populated mostly by immigrants from the Dominican Republic, sport new windows as well as fresh coats of paint that hide the once-pervasive graffiti.

On a late November afternoon, elderly residents could be seen going shopping without apparent fear, as children gathered on doorsteps for after-school rap sessions. Two women carried on an animated conversation in front of their building as a lone police officer stood sentry on the corner, his presence a vis-

ible reminder of the NYPD's commitment to keep the block drug-free.

Similar scenes can be observed on the block of 161st Street between Broadway and St. Nicholas Avenue that is now getting the full attention of Operation Take Back. Plans are also afoot to implement the program in other trouble spots around the city.

"There wasn't a community existing there before; there is now," McCarthy said of the targeted blocks. "People who had lived across from one another for 30 years didn't know each other. Now there's a palpable sense of community. The effort's been an overwhelming success, and the key is that we're not going to let it backslide."

Drug-trafficking has plagued Washington Heights for decades, due to its location at the foot of the George Washington Bridge, which links upper Manhattan to New Jersey. The drug trade hastened the deterioration of the area, which is home largely to poor immigrants from Latin America, many of whom are distrustful of police. And the neighborhood has had more than its share of violent clashes between residents and police: the shooting of a drug suspect by an undercover officer — who was subsequently cleared of wrongdoing — that sparked a two-day riot; the officer who was killed by bucket of plaster tossed from rooftop; the suspect who falsely charged — and later recanted — that officers had thrown him from a building window as he tried to flee.

"It was a very bad block, going back as far as anybody can remember," McCarthy said of 163rd Street between Broadway and St. Nicholas Avenue. "Crime conditions that were associated with that block were horrible to say the least, a chronic drug location."

Police Officer Chris Williams, who is assigned as one of the precinct's "point men" on the two targeted blocks, recalled conditions when the effort was launched in September 1996. "We had lists of suspected drug locations on the block, and every building on that list you went into, you were going to come out with somebody who was either buying or dealing drugs," said the 27-year-old officer.



**FIGHTING FOR EVERY BLOCK:** 163rd Street in Washington Heights, seen here looking west toward New Jersey, is today a far quieter, far safer environment than it was just 16 months ago, when drug dealers and crime were epidemic.

## First: The raid

Operation Take Back was designed as a two-pronged effort, first to rid the block of entrenched drug activity and then to improve conditions to prevent the block from back-sliding into lawlessness, McCarthy noted.

The transformation got underway on Aug. 14, 1996, with a massive raid by the multiagency anti-drug task force that comprises Safir's Northern Manhattan Initiative, a major offensive against drug trafficking. Armed with intelligence gathered in an 11-month investigation, drug agents closed two stores on 163rd Street that were allegedly used by dealers as fronts, executed five search warrants and arrested 18 drug dealers, all of whom were linked to a major trafficking organization.

"I have to give credit for the success to Commissioner Safir," said McCarthy, noting that he made the considerable crime-fighting resources of the Northern Manhattan Initiative available to the precinct. "If it weren't for the initiative, we wouldn't have been able to get this off the ground."

With the task force temporarily in control of the block, police began the hardest part of the operation — organizing residents and ensuring them that police would not abandon them once the situation stabilized. "We felt that rather than taking out the [drug] organizations and walking away from the block, we were going to put a little more into it," McCarthy said.

Barreades were erected to close the street to all but emergency or legitimate vehicular traffic, making drive-by drug purchases nearly impossible to make. For over a month, uniformed officers were posted at either end of the block 24 hours a day to make sure drug dealers didn't return. The NYPD's Legal Bureau conducted research to ensure that no civil liberties were being breached, McCarthy said, although there were some grumblings from residents about inconveniences caused by the closure.

Winning the hearts and minds of the block's law-abiding residents was no easy task. Many were understandably cynical about Operation Take Back, having seen previous police anti-drug efforts offer only temporary relief.

Officer Williams recalled the initial attitude of residents toward his presence on the block. "There was animosity," he said recently as he walked through the neighborhood on his way to a block association meeting on 161st Street.

"They really didn't know where I was coming from in terms of the block and my role on it. After I was there about a week or two, they started to loosen up. Now they all know me by name."

Officers like Williams were assigned to observe conditions on the block and to act as liaisons between the precinct and residents. "We took [the officers] out of the mix and we just let them run with what they're doing on these blocks because it's important to have someone with a vested interest in that area," McCarthy pointed out.

Officers assigned to monitor the block helped residents access city agencies to get garbage carted away, abandoned buildings torn down and street lighting improved. They used nuisance-abatement ordinances to shut down suspected drug locations not caught in the initial net tossed over the area by the task force. They also organized cleanup crews in which residents painted graffiti-scarred buildings.

"It's a nice public relations bit, but more importantly it raised the expectations of people who live there," McCarthy pointed out, letting them know police were making an investment in the block's future.

Next, police set about trying to rally residents, urging them to organize tenants' groups and a block association. "That's the part that really scared me," said McCarthy, who routinely attends neighborhood meetings to monitor the program and meet with residents. "It was the most difficult [task] because many residents were apathetic after being held hostage in their apartments by drug dealers for so long."

## Feel the power

McCarthy said he was heartened when he went to a neighborhood meeting at a local junior high school in September that was attended by over 300 residents of the block. "It was electric," he said — proof that "we had helped them overcome their fear. And we showed them that we weren't leaving."

Now, residents of 163rd Street are so caught up in having regained control of their block that a struggle has erupted between rival tenants' groups seeking control of the block association. To McCarthy, "that's a great sign" of progress. On Oct. 4, over 200 residents turned out for 163rd Street's block party — its first ever, he added.

Pointing out the various improvements on 163rd Street, Williams said the operation has perhaps benefited local youths the most. Play streets were

set up on the block last summer for the first time in years, he said.

McCarthy routinely receives letters from neighborhood schoolchildren asking police to close their drug-riddled blocks. "I want you to close 162nd Street," wrote one elementary school girl. "I can't play in my block because there are too many drug dealers, and when I asked my mother if I could go out and play, she said no because something could happen to me."

Officer Williams said residents now freely approach him to ask for help with family problems or to address other conditions that might threaten the block's new-found tranquility. "This is what community policing is all about — walking around and helping the people with their problems, regardless of what they are," he said.

Efforts on 161st Street have proved a bit more difficult, McCarthy said, owing mostly to its location near the intersection of three major avenues and because it's a bigger block than 163rd.

The effort to wrest that block from drug dealers began in earnest Sept. 16, when agents of the Northern Manhattan Initiative swooped in and snared 14 drug dealers. Efforts are now under way to clean up 161st Street and organize its residents as part of the Operation Take Back's second phase.

While 161st Street may be more difficult to stabilize, McCarthy said he has every reason to believe its residents, with police help, will prevail. "The community has gotten fed up, and they see that we're quite serious about what we're doing. We're not trying to put a Band-Aid on the problem; we're trying to effect a long-term solution to something that has plagued this neighborhood, and still does. If we have to do it block-by-block, so be it."

John A. Matthews Sr., 88, who heads both the 161st Street block association and a larger group, the Concerned Residents Group of Lower Washington Heights, offered the perspective of one who has lived in the area for over 70 years. He said Operation Take Back's success so far can best be summed up by the Christmas tree that stood near the block for five weeks without being vandalized.

"Nobody took a light or a bulb or anything," Matthews told LEN, adding that Det. Victor Mendoza obtained the tree for the block. "I feel so proud of the officers," he said. "I hope they stay here forever, and I'm pretty sure 95 percent of this community feels the same way."



**Police Officer Chris Williams, one of the designated "point men" on the blocks targeted by Operation Take Back, questions a motorist trying to enter a secured 163rd Street.** (Photos Jacob R. Clark)



Van Blaricom:

## Doing something about excessive force

By D.P. Van Blaricom

Citizen complaints and civil litigation against the police frequently allege that officers used "excessive force" in making arrests and in other custodial confrontations. Like many terms used in everyday language, however, the precise meaning of excessive force is elusive and often subject to wide interpretation that can depend upon an individual observer's perspective and predisposition toward the police. Virtually all force may be objectionable to some, whereas others will view nearly all force as being reasonable. Reality is somewhere in between those two extremes, but the question, of course, is where?

### What Is It?

The U.S. Supreme Court has mandated standards of care for police use of force in their landmark decisions of *Tennessee v. Garner* (1985) and *Graham v. Connor* (1989). *Garner* focused on deadly force and essentially replaced the so-called "fleeing felon" rule with a requirement of "probable cause to believe that a criminal suspect poses a threat of serious physical harm to the officer or others" before an officer may shoot. In the *Graham* decision four years later, the Court imposed an "objective reasonableness" standard on all uses of force and decided that the amount used is to be considered within "the totality of circumstances." Controlling factors may include: "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."

In addition, it was noted that "a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight," and "must embody allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation." (The entire text of Supreme Court rulings should be read for

*(D.P. Van Blaricom served as a police officer in Bellevue, Wash., for 29 years, retiring in 1985 after 11 years as police chief. He has since served as a litigation consultant in more than 700 police-related lawsuits, many of which alleged the use of excessive force.)*

a full understanding of the decisions.)

After the Court has written the rules of the game, how does the chief policy-maker of a law enforcement agency translate legal language into appropriate police conduct out on the street? Constitutional lawyers can and will argue the precise meaning of "objective reasonableness" in great detail, but those tedious analyses are unlikely to be of practical effect in the real world of policing. For the lay person or new officer, however, a potentially instructive analogy may be found in football. Any spectator immediately recognizes player conduct that can be penalized as "unnecessary roughness" or a "late hit," and furthermore it is universally accepted that enforced rules against

more wisely spent in training and equipment that would have better served the police and public alike by preventing excessive force in the first place. Most are well aware of the "if it ain't broke, don't fix it" philosophy of management, but the correct approach for today's policing environment is a preventive maintenance plan of "fix it before it's broke," somewhat akin to maintaining airliners before they fall out of the sky.

¶ **Adoption of Well Written Policies and Procedures.** This is where the chief policy-maker tells the troops what is expected and how they are to perform in an acceptable manner. It is axiomatic in an organizational setting that if you do not tell people what is expected of them, they are unlikely

Most are well aware of the "if it ain't broke, don't fix it" philosophy of management, but the correct approach for today's policing environment is a preventive maintenance plan of "fix it before it's broke."

such behavior are necessary in a contact sport. To equate the Court's analysis of excessive force with regulated behavior on the football field is neither far-fetched nor void of insight for persons otherwise inexperienced in the police function.

### What Can Be Done About It?

There is an administrative duty upon the chief policy-maker of any law enforcement agency to control all police use of force and to prevent excessive force. At a minimum, there must be: 1) adoption of well written policies and procedures; 2) training of officers in those policies and procedures; 3) supervision of officers in the field; 4) awareness of current developments in tactics and equipment, and 5) monitoring of uses of force to hold officers and their supervisors accountable.

While not an easy task, anything less may be shown to have been "deliberate indifference" to controlling use of force, and may create civil liability for accused officers, the chief policy-maker and the law enforcement agency. Jury awards in the millions of dollars are not unusual in egregious cases and that money could have been far

to divine it on their own. Use of force must be given priority policy guidance in accordance with its critical importance to all concerned.

All levels of force should be addressed in a single policy statement and provide a continuum of how much force may be used in responding to varying levels of resistance. There is some disagreement, incidentally, on where OC aerosol (pepper spray) and K-9 bites should be placed on the continuum, but both are clearly uses of force that must be controlled. (Are there clear prohibitions, for instance, against handcuffed prisoners being sprayed or bitten?) Guidelines must be written so that they will be universally interpreted to have the same meaning for all affected officers. The mere admonishment to use only that much force as is "reasonable" is not sufficient guidance. The International Association of Chiefs of Police is an excellent resource for developing sound policies and procedures on a wide variety of law enforcement issues and can be very helpful to the chief policy-maker of any law enforcement agency in meeting contemporary standards of care.

¶ **Training Officers in the Adopted Policies**

and Procedures. Training is where the chief policy-maker's intentions are translated into action and serves to answer questions as to what particular guidelines mean in actual practice. As stated by the IACP in its model policy on use of force, "considerable policy guidance is established in the training process" and "training should effectively translate terms used in departmental policy into an operational context." Specific pre-service and in-service lesson plans must be developed to reflect and interpret the agency's use-of-force policy for the common understanding of every affected officer. It is simply not enough to give new officers a police manual to read and then answer any questions that may be asked. A valuable practice used by some agencies is to administer a written test on the agency's use-of-force policy at each quarterly firearms qualification.

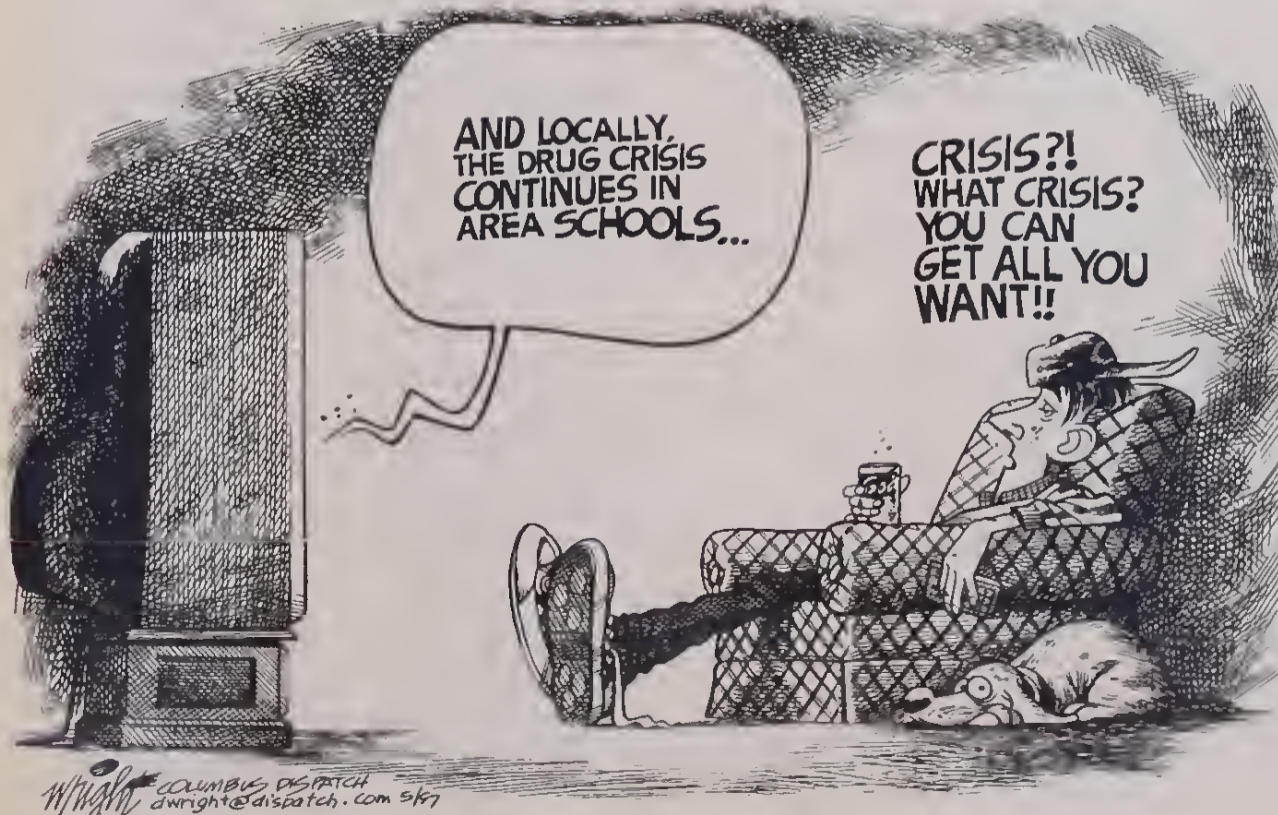
The U.S. Supreme Court's decision in *City of Canton v. Harris* (1989) established the "deliberate indifference" to training standard, wherein "the need for more or different training is so obvious and the inadequacy so likely to result in the violation of constitutional rights." Accordingly, a failure to provide adequate training in such a fundamental police function as use of force can be a significant source of civil liability.

¶ **Supervision of Officers in the Field.** The first-line supervisors are the most critical link in the chain of command, and they are the people who really know what is going on out there. If supervisors are well trained and committed to the agency's policy, incidents of excessive force will be minimal, but if they are not, excessive force will be used with impunity by those who are inclined to do so. Furthermore, a street climate of tolerance to excessive force will soon result in escalating incidents after a demonstrated and recognized lack of discipline.

If there had been meaningful supervision at the end of the Rodney King pursuit, he would have been just another eluding suspect on his way to jail. Instead, he became the focus of a demonstration of police brutality that shocked Los Angeles and the rest of the nation out of any sense of complacency that may have preceded his brutal beating. In the aftermath of the King incident, LAPD assistant chiefs testified before the Christopher Commission that "we know who the bad guys are" and "reputations become well known, especially to sergeants." First-line supervisors must require adherence to the agency's values without compromise, and if they fail to do so, all of the supposed guidance provided by the chief policy-maker will have been for naught.

¶ **Awareness of Current Developments in Tactics and Equipment.** A variety of tactics have been devised and equipment developed to reduce the need to use force and to provide for physical control with lesser levels of force. Every chief policy-maker should investigate these alternatives as they become available and determine whether or not to introduce them into the continuum of force options available to officers. Since the advent of SWAT, law enforcement in the United States has pioneered ways to resolve potentially dangerous confrontations without creating or taking unnecessary risks. Experience with hostage-taking, narcotics raids, vehicular pursuits and other

Continued on Page 10



### Note to Readers:

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# Doing something about excessive force

Continued from Page 9

high-risk police operations has led to the adoption of techniques that minimize inherent hazards through the application of well-thought-out responses. Similarly, adverse experience with unjustified deaths from the once-common use of the carotid restraint and hog-tying of prisoners has caused the restriction of elimination of those tactics. [See related article, Page 1.]

Scientific technology has not yet met early expectations, but notable contributions have included the introduction of OC spray, the Taser electronic sidearm, stun grenades, less-than-lethal

projectiles launched from such devices as the ARWEN, and a variety of protective equipment for officer safety. While small departments may be unable to afford the more sophisticated tactics or weaponry, they should have regional access to such capabilities for use as needed.

**Monitoring Uses of Force to Hold Officers and Their Supervisors Accountable.** Any chief policy-maker whose law enforcement agency is too large for personal interaction with every street officer needs an early-warning system for identifying excessive-force incidents. Additional testimony

before LA's Christopher Commission declared that "we have failed miserably to hold supervisors accountable for excessive force by officers under their command."

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### The 2-Percent Factor

An enduring mystery about policing is why 98 percent of the officers who are doing a difficult job well will tolerate the 2 percent whom we would all be better off without. Some have la-

beled that phenomenon the "code of silence," but regardless of how described, the well known fact is that a few officers will use excessive force when it suits them to do so, and the rest tend to ignore, excuse or explain it away. This is not acceptable, and it is the responsibility of the chief policy-makers of each and every law enforce-

ment to recognize excessive force for what it is and then do something about it. A failure to do so will result in unnecessary injuries to the citizens whom officers have sworn to protect, and many of those incidents will be followed by civil litigation that we can ill afford, either in monetary awards or much-needed public confidence.

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(11598)

## San Diego judge OK's hog-tying

Continued from Page 1

"He told me he had never before been confronted with these issues," Sanchez told The San Diego Union-Tribune.

"I thought it was a great study," Reay told Law Enforcement News. "It certainly highlighted that some of the work we'd done eight years earlier was in error, that in fact there wasn't any problem in terms of respiratory recovery if you looked just at the hog-tie position."

In dismissing the lawsuit, U.S. District Judge John S. Rhodes wrote that any breathing impairment linked to the use of a hog-tie restraint was "so minor that it does not lead to asphyxia, and in fact has no practical significance.... The UCSD study, which Dr. Reay concedes rests on exemplary methodology, eviscerates Dr. Reay's conclusions.... After Dr. Reay's retraction, little evidence is left that suggests that the hog-tie restraint can cause asphyxia."

Rhodes added that Price had been a longtime user of methamphetamine, which can cause long-term damage to human respiratory and circulation systems. "Methamphetamine has devoured another of its victims, and forever transformed the lives of his family members," the judge wrote.

Sanchez said the Price lawsuit was the first wrongful-death action in the county in which an in-custody death was blamed solely on the restraint. The UCSD finding may have an impact on several other similar cases around the country that are ongoing, he said.

"The basis of [these claims] has collapsed like a house of cards," said Deputy County Counsel Morris Hill, who spoke to Law Enforcement News about the case. "There's no science at the bottom of that theory. The science that was thought to be at the bottom of theory has been shown to be flat wrong."

"All around the country law enforcement agencies have been caving in on this and modifying their procedures, and some of the best attorneys in the country have been paying out money to settle these cases. But nobody ever really started at the beginning and thought to question whether the basic medical premise for this made sense," Hill added. "I'm awestruck by what [Sanchez] did."

While a "neutral type of maneuver" like hog-tying may itself not cause death, other existing factors like prior or current

drug use, obesity or pre-existing medical conditions can collude to result in fatalities, Hill noted. "You have a person who's psychotic, exhibiting wild behavior, overweight and has a big beer belly and you place him face down — in that situation I'm not sure we can say the position has no influence in the ultimate outcome," he told LEN.

Should police totally abandon the practice, as the Los Angeles Police Department did last year after the city paid out nearly \$1 million to survivors of a man who died after a hog-tie was used on him by police? "To say that police shouldn't hog-tie... I'd say what are their alternatives? I don't have the answer," said Dr. Reay. "[Police] have to be very vigilant and prepared to act to a medical emergency."

Geoffrey Alpert, a professor of criminal justice at the University of South Carolina who is a nationally known expert on police use-of-force issues, said he didn't think the case would have any "earth-shaking" impact on law enforcement policies.

Alpert, who examined Rhodes's opinion and reviewed depositions in the case, said his reading led him to believe that the judge's opinion was "flawed" because he "appeared to have summarily dismissed Dr. Reay's testimony without accepting or rejecting different parts of it.... My reading suggests that Dr. Reay did not switch his opinion that hog-tying causes death; he merely agreed that the [UCSD] study demonstrated that the exercise or the high level of activity did not reduce oxygen in the blood."

Exercise or rigorous activity "did require more oxygen than is normally produced, but there was no discussion or contradiction of his statement that the [hog-tie] position...obstructs your ability to breathe."

With explanations still murky regarding human physiological responses to restraints used by police — and why they sometimes result in death. Reay suggested that it may be time to launch a national registry of such incidents so that they can be analyzed.

"We really don't have the broad experience of what's going on here," he observed, "so if we can look at these things on a national basis, we might be able to better identify some of the risk factors and, as a consequence, inform law enforcement of them."

# Upcoming Events

## MARCH

2-3. **Community Policing.** Presented by Hutchinson Law Enforcement Training. Albany, N.Y. \$190.

2-3. **OCAT Instructor/Use of Force: Surviving a Legal Encounter.** Presented by the National Criminal Justice Training Council. Phoenix. \$295.

2-4. **Drug Trak for Windows.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$395.

2-4. **Administering a Small Law Enforcement Agency.** Presented by the International Association of Chiefs of Police. Rosenberg, Texas.

2-6. **Managing Police Training.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$500.

2-6. **Deviant Sexual Behavior & Related Criminal Activity.** Presented by the Institute of Police Technology & Management. St. Petersburg, Fla. \$525.

2-6. **Crime Scene Technology.** Presented by Sirchie FingerPrint Laboratories. Youngsville, N.C. \$395.

2-13. **Accident Investigation 1.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$700.

5-6. **Breakthrough Strategies to Teach & Counsel Troubled Youth.** Presented by Youth Change. Boise, Idaho. \$125.

5-6. **Body Language & Interviewing Techniques.** Presented by Hutchinson Law Enforcement Training. Albany, N.Y. \$190.

7-8. **Expanded Tactical Folding Knife Instructor Training.** Presented by CQC Service Group. Buffalo, N.Y.

8-10. **Community Justice: Transforming the System to Serve Communities.** Presented by the U.S. Department of Justice, Office of Justice Programs. Washington, D.C. \$100.

9-10. **Developing a Legally Defensible**

**Curriculum.** Presented by the International Association of Chiefs of Police. Albuquerque, N.M.

9-10. **Less Lethal Force Options: Concepts & Considerations in the De-Escalation Philosophy.** Presented by the International Association of Chiefs of Police. Boulder, Colo.

9-10. **Monitoring for the Retention of Women & Minorily Public Safety Personnel.** Presented by the International Association of Chiefs of Police. Chesterfield, Va.

9-10. **OCAT Instructor/Use of Force: Surviving a Legal Encounter.** Presented by the National Criminal Justice Training Council. Portland, Ore. \$295.

9-11. **Street Survival '98.** Presented by Calibre Press. San Diego. \$199.

9-11. **Computerized Traffic Accident Reconstruction 1 (Introduction to EDCRASH).** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$400.

9-11. **Administration, Management & Supervision of the Field Training Officer.** Presented by the Institute of Police Technology & Management. Orlando, Fla. \$425.

9-11. **Organizing & Managing Small-Agency & Area SWAT Teams.** Presented by the International Association of Chiefs of Police. Henderson, Nev.

9-13. **Advanced Evidence Technician.** Presented by the Criminal Justice Institute. Grayslake, Ill. \$500.

9-13. **Child Abuse Seminar.** Presented by the Delinquency Control Institute. Los Angeles. \$800.

9-13. **Report Writing for Instructors.** Presented by Bruce T. Olson, Ph.D. Riverside, Calif. \$290.

9-13. **Practical Hostage Negotiations.** Presented by the Institute of Police Technology & Management. Pensacola, Fla. \$525.

9-13. **Advanced Accident Reconstruction**

**& Collision Prediction (Simulation) with WinSmac®.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$595.

9-13. **Advanced Narcotic Investigation.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

9-20. **Police Motorcycle Instructor Course.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$1,100.

10. **Pursuit Issues for Supervisors.** Presented by the Criminal Justice Institute. Grayslake, Ill. \$79.

12. **Handcuffing Instructor Course.** Presented by R.E.B. Training International Inc. East Windsor, Conn. \$220.

12-13. **Investigative Techniques.** Presented by Hutchinson Law Enforcement Training. Granby, Conn. \$190.

12-13. **Computerized Traffic Accident Reconstruction 2 (Introduction to EDCAD).** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$400.

13. **Oleoresin Capsicum Aerosol Training.** Presented by R.E.B. Training International Inc. East Windsor, Conn. \$220.

14-15. **Expanded Tactical Folding Knife Instructor Training.** Presented by CQC Service Group. Ontario, Canada.

16-17. **Executive/VIP Protection.** Presented by the Executive Protection Institute. Las Vegas.

16-17. **Leadership & Quality Policing.** Presented by the International Association of Chiefs of Police. West Palm Beach, Fla.

16-17. **Ethical Standards for the Street Officer.** Presented by the International Association of Chiefs of Police. Salt Lake City.

16-18. **Commander's Course on Hostage Incidents.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$450.

16-18. **Criminal Investigative Techniques I.** Presented by the International Association of Chiefs of Police. Aurora, Colo.

16-18. **Implementing Community-Oriented Policing.** Presented by the International Association of Chiefs of Police. Greer, S.C.

16-20. **Basic School Resource Officer.** Presented by the Criminal Justice Institute. Grayslake, Ill. \$325.

16-20. **Field Training & Evaluation Process.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$550.

16-20. **Microcomputer-Assisted Traffic Accident Reconstruction (EDCRASH).** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$800.

16-20. **Police Motorcycle Rider Course.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$650.

16-20. **Leading Law Enforcement into the 21st Century.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

16-20. **DWI Instructor Course.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

16-20. **Law Enforcement Ethics: Train the Trainer.** Presented by the Southwestern Law Enforcement Institute. Dallas. \$495.

16-20. **SWAT 1: Basic Tactical Operations & High-Risk Warrant Service.** Presented by the International Association of Chiefs of Police. Albuquerque, N.M.

16-27. **Accident Investigation 2.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$900.

18-19. **Managing Security Systems.** Presented by the Executive Protection Institute. Las Vegas.

18-19. **Raid Planning, Preparation & Execution.** Presented by Hutchinson Law Enforcement Training. Braintree, Mass. \$190.

18-20. **Managing Contemporary Policing Strategies.** Presented by the International Association of Chiefs of Police. Silver Spring, Md.

19. **Safe Schools Seminar.** Presented by the New Jersey State Association of Chiefs of Police. Princeton, N.J. \$105.

19-20. **Breakthrough Strategies to Teach & Counsel Troubled Youth.** Presented by Youth Change. Seattle. \$125.

21-22. **Expanded Tactical Folding Knife Instructor Training.** Presented by CQC Service Group. Chicago.

23-24. **1A Trak 2/PC-based Internal Affairs Records Management.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$395.

23-25. **Management of Aggressive Behavior.** Presented by R.E.B. Training International Inc. East Windsor, Conn. \$1,025.

23-25. **Computerized Traffic Accident Reconstruction 3.** Presented by the Northwestern University Traffic Institute.

Evanston, Ill. \$550.

23-25. **Critical Incident Management.** Presented by the International Association of Chiefs of Police. St. Peters, Mo.

23-25. **Multi-Agency Incident Management for Law Enforcement & Fire Service Commanders & Supervisors.** Presented by the International Association of Chiefs of Police. White Plains, N.Y.

23-27. **Intermediate School Resource Officer.** Presented by the Criminal Justice Institute. Grayslake, Ill. \$325.

23-27. **Crime Scene Processing.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$550.

23-27. **Developing Law Enforcement Managers.** Presented by the Institute of Police Technology & Management. Pensacola, Fla. \$525.

23-27. **SWAT 2: Advanced Tactial & Hostage Rescue Operations.** Presented by the International Association of Chiefs of Police. Albuquerque, N.M.

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Criminal Justice Institute, College of Lake County, 19351 W. Washington St., Grayslake, IL 60030-1198. (847) 223-6601, ext. 2937. Fax: (847) 548-3384.

Delinquency Control Institute, University of Southern California, School of Public Administration, Tyler Building, P.O. Box 77902, Los Angeles, CA 90099-3334 (213) 743-2497. Fax: (213) 743-2313.

Executive Protection Institute, Arcadia Manor, Rte. 2, Box 3645, Berryville, VA 22611. (540) 955-1128.

Hutchinson Law Enforcement Training, LLC, P.O. Box 822, Granby, CT 06035. (860) 653-0788. E-mail: dbutch@snet.net. Internet: http://www.patnotweb.com/hlet.

Institute of Police Technology & Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216. (904) 646-2722.

International Association of Chiefs of Police, P.O. Box 90976, Washington, DC 20090-0976. 1-800-THE IACP. Fax: (703) 836-4543.

National Crime Prevention Council, Youth Conference, 1700 K St. N.W., Washington, DC 20006-3817. (202) 466-6272, ext. 141. Fax: (202) 296-1356.

National Criminal Justice Training Council, P.O. Box 1003, Twin Lakes, WI 53181-1003. (414) 279-5735. Fax: (414) 279-5758. E-mail: NCJTC@aol.com.

New Jersey State Association of Chiefs of Police, 777 Alexander Rd., Suite 203, Princeton, NJ 08540-6325. (609) 452-0014. Fax: (609) 452-1893.

Northwestern University Traffic Institute, 555 Clark St., P.O. Box 1409, Evanston, IL 60204. (800) 323-4011.

Bruce T. Olson, Ph.D., P.O. Box 1690, Modesto, CA 95353-1690. (209) 527-0966. Fax: (209) 527-2287.

R.E.B. Training International Inc., P.O. Box 845, Stoddard, NH 03464. (603) 446-9393. Fax: (603) 446-9394.

Sirchie FingerPrint Laboratories Inc., 100 Hunter Pl., Youngsville, NC 27596. 1-800-356-7311. Fax: 800-899-8181.

Southwestern Law Enforcement Institute, P.O. Box 830707, Richardson, TX 75083-0707. (214) 883-2376. Fax: (214) 883-2458.

U.S. Department of Justice, Office of Justice Programs, Community Justice Conference, Mailstop 6E, 2277 Research Blvd., Rockville, MD 20850. (301) 519-5650. Fax: (301) 519-5161. E-mail: commjust@aspensys.com.

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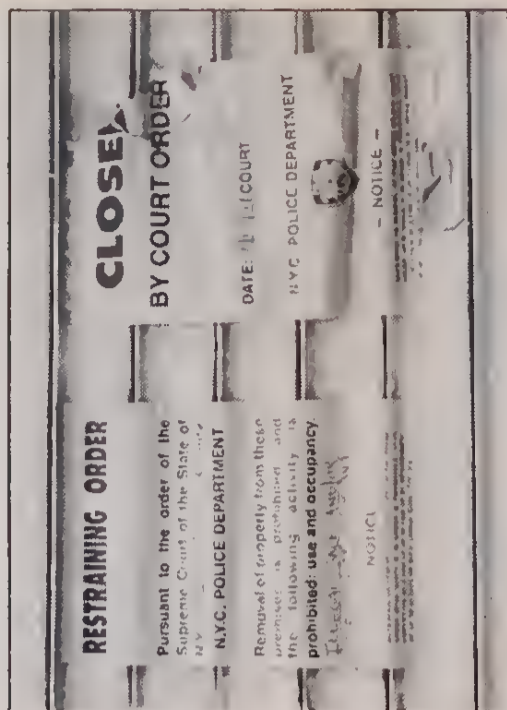
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## Hog-tie restraint is no pig in a poke:

Wrongful-death suit against a sheriff's department is thrown out after new research questions the lethal effects of hog-tying. **Page 1.**

## Excessive force:

What is it & what can be done about it? **Forum, Page 9.**

### What They Are Saying:

**"Have I done it publicly? Never. If I've done it in the privacy of my home, I guess that's my business."**

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